

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

STATESORO DIVISION

WILLIAM MITCHELL,

Plaintiff,

**v.**

CV 620-031

KATHY PALMER, Judge;  
MATTHEW MITCHELL; and  
MELODY MITCHELL.

Defendants.

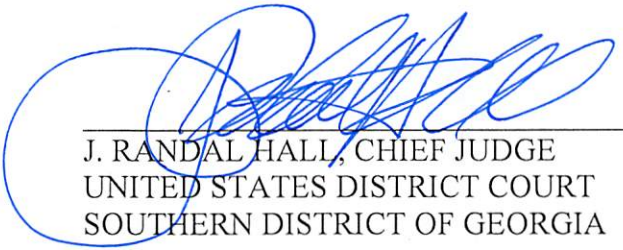
## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. nos. 11, 13.)<sup>1</sup> The Magistrate Judge recommended denying the motion to proceed *in forma pauperis* and dismissing the case without prejudice because Plaintiff has accumulated three strikes under 28 U.S.C. § 1915(g) and abused the judicial process by providing dishonest information about his prior filing history. The Court finds Plaintiff's objections unavailing, but for the sake of completeness, notes Plaintiff verified the information in his complaint under Federal Rule of Civil Procedure 11, not penalty of perjury. The distinction makes no difference to the correct analysis that the case is due to be dismissed.

<sup>1</sup>Plaintiff's second submission of objections was titled a motion in limine. The Court has considered the filing for what it is, objections to the recommendation for dismissal, and **DIRECTS** the **CLERK** to terminate the "motion." (Doc. no. 13.)

Accordingly, the Court **OVERRULES** the objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. Therefore, the Court **DENIES** Plaintiff's request to proceed *in forma pauperis* (doc. no. 2), **DENIES AS MOOT** the motion to amend (doc. no. 6), and **DISMISSES** this action without prejudice. As the case is being dismissed, the Court also **DENIES AS MOOT** the motions for appointment of counsel seeking assistance to pursue the case. (Doc. nos. 12, 14.) If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must initiate a new lawsuit, which would require submission of a new complaint. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

SO ORDERED this 7<sup>th</sup> day of May, 2020, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA